# WILLMAR CITY COUNCIL PROCEEDINGS BOARD ROOM HEALTH AND HUMAN SERVICES BUILDING WILLMAR, MINNESOTA

August 19, 2019 7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, and Audrey Nelsen. Present 8, Absent 1. Council Member Andrew Plowman was excused from the meeting.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Park and Recreation Director Rob Baumgarn, Planning and Development Services Director David Ramstad, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, City Attorney Robert Scott, and City Planner Sarah Swedburg.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Alvarado seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of August 5, 2019
- B. Willmar Municipal Utilities Board Minutes of August 12, 2019
- C. Application for Exempt Permit Knights of Columbus
- D. Accounts Payable Report August 1 14, 2019
- E. Monthly Building Report for July, 2019
- F. Invest in Willmar Board Meeting Summary of July 17, 2019

Council Member Mueske offered a motion to approve the Consent Agenda. Council Member Alvarado seconded the motion which carried.

Glenn Negen, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Negen wanted to promote and invite everyone to attend a Patriot Day Event to be held September 10, 5:30 p.m. – 9:30 p.m. at the Willmar City Auditorium. On this 18<sup>th</sup> anniversary of the events of September 11, 2001, this event is being held to recognize and remember with community, and also honor the men and women who have either served or are serving and sacrificing for us. Guest speaker will be William J. Federer who is a nationally-known speaker and best-selling author. He will be speaking at 6:30 p.m.

The Public Works/Safety Committee Report for August 7, 2019 was presented to the Mayor and Council by Council Member Asmus. There were nine items for consideration.

- <u>Item No. 1</u> Testimony received from first-time liquor license violation of Tapatio LLC dba El Tapatio Mexican Restaurant. This item was for information only.
- <u>Item No. 2</u> Staff brought forth, for information, the Police and Fire Department statistics for the month of July. This item was for information only.
- Item No. 3 Staff brought forth, for approval, the request for proposals for construction manager and architects for Local Option Sales Tax projects. The City recently passed a local option sales tax to fund specific projects for the community including the Events Center, Athletic Fields, and Swansson Field with the Community Center as an alternate. At the Invest in Willmar Board meeting these projects were identified as

requiring a Construction Manager at Risk and Architect. Their recommendation is to direct staff to prepare a Proposal (RFP) for these professional services or direct staff to prepare a Proposal for each project individually. It was the Committee's recommendation to direct staff to prepare a Proposal (RFP) for a Construction Manager at Risk and Architect for the Events Center, Athletic Fields, Swansson Field and Community Center as an alternate.

Invest in Willmar member Tony Amon presented a brief update and summary to the Mayor and Council.

Council Member Asmus offered a motion to approve the Construction Manager at Risk and Architect for the Events Center, Athletic Fields, Swansson Field, and Robbins Island. Council Member Nelsen seconded the motion.

Following further discussion, Council Member Asmus offered an amendment to the motion to include the Community Center as an alternate. Council Member Nelsen seconded the motion.

The original motion, as amended, then carried.

Item No. 4 Staff brought forth, for approval, the request of the Glacial Ridge Curling Club, with prior approval from the Parks and Recreation Board, to hire Lon Negen of Negen and Associates as the architect to design the new curling facility. The club is currently fundraising for the project and choosing an architect will allow the curling club to seek additional fundraising opportunities by showing drawings of the facility for potential donors. It was the recommendation of the Committee to authorize the Glacial Ridge Curling Club to hire Lon Negen of Negen and Associates as the architect to design the new curling facility.

City Attorney Robert Scott offered clarification to the amended contract with the Curling Club.

Following clarification, Council Member Asmus introduced **Resolution No. 19-111 Authorizing Hiring of Architect for the Curling Center.** Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 5 Staff brought forth, for approval, the purchase of three squad car replacements. The 2019 CIP includes three squad car replacements authorized at \$48,000 each. This cost includes the vehicle, upfitting, replacing any equipment which cannot be converted from a former squad car and decommission costs of outgoing cars. Quotes were obtained from MN State Bid from Mills Automotive and Atwater Ford, with Atwater Ford being the low bidder of two Ford Interceptors and one Ford Hybrid Interceptor. It was the recommendation of the Committee to authorize the purchase of three replacement squad vehicles from Atwater Ford.

**Resolution No. 19-112 Approving the Purchase of Three Patrol Vehicles from Atwater Ford** was introduced by Council Member Asmus. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 6 Staff brought forth, for approval, the renewal of the City and School Facility Use Agreement. After the separation of the Willmar Community Education and Recreation department, the City and School developed a facility use agreement for the use of each other's facilities free of charge besides consumables. The agreement has expired and it is the recommendation from the Parks and Recreation Board to approval the renewal for two years. It was the recommendation of the Committee to approve the Facility Use Agreement between the City of Willmar and Willmar Public Schools for two years.

**Resolution No. 19-113 Approving an Agreement Between Willmar Public Schools and Willmar Parks and Recreation Department** was introduced by Council Member Asmus. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 7 Staff brought forth, for approval, the purchase of a pickup for the Wastewater Treatment Facility. The department is requesting to replace a 2005 Ford F-250 in accordance with the Vehicle Replacement Schedule. Quotes were solicited with state contract pricing received from Erickson Chevrolet Fleet Department for a 2020 Silverado HD 2500 in the amount of \$32,789.92. This price includes the trade-in of the existing pickup in the amount of \$5,175. The 2019 CIP identifies \$56,227 budgeted for the purchase. It was the recommendation of the Committee to approve the purchase of one 2020 Chevrolet Silverado HD 2500 in the amount of \$32,789.92 including the trade-in of a 2005 Ford F-250 in the amount of \$5,175 from Erickson Chevrolet Fleet Department.

**Resolution No. 19-114 Approving the Purchase of a Chevrolet Silverado HD 2500 in the Amount of \$32,789.92** was introduced by Council Member Asmus. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Calvin directed Council Member Asmus to have a discussion with Chairman Plowman regarding adding review of policy to purchase locally to a future agenda for the Public Works/Safety Committee.

Item No. 8 Staff brought forth, for approval, the purchase and replacement of a Pro Patch Trailer for Public Works. The department currently has a 1998 patch trailer which has reached the end of its useful life and will be sold on auction. Staff solicited quotes for a new trailer with one received from Ruffridge Johnson Equipment Company, Inc. in the amount of \$94,783 through State Contract 137247. The 2019 CIP identifies \$143,325 budgeted for the purchase. It was the recommendation of the Committee to approve the purchase of one Pro Patch Trailer from Ruffridge Johnson Equipment Company, Inc. in the amount of \$94,783. The motion carried.

**Resolution No. 19-115 Approving the Purchase of a Pro Patch Trailer in the Amount of \$94,783** was introduced by Council Member Asmus. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

 $\underline{\text{Item No. 9}} \qquad \text{Staff brought forth, for approval, rescinding the land sale by Hoffman Construction} \\ \text{Company for the Willmar Wye project and proposing a Borrow Option Purchase Agreement with them for material use of the 11.48 acre parcel. This agreement would sell Hoffman the material in the amount of $85,012.50 for the project.}$ 

It was the recommendation of the Committee to rescind the ordinance allowing the land purchase by Hoffman Construction Company.

It was the recommendation of the Committee to approve the Borrow Option Purchase Agreement with Hoffman Construction Company for material use.

Following discussion, Resolution No. 19-116 Rescinding the Ordinance for Land Purchase and Approving the Borrow Option Purchase Agreement with Hoffman Construction Company was introduced by Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Public Works/Safety Committee Report of August 7, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Asmus. Council Member Nelsen seconded the motion, and carried.

Public Works Director Sean Christensen presented a request to approve an amendment to the Purchase and Sale Agreement with BNSF Railway Company for the Willmar Wye Project. Mr. Christensen stated an amendment is required of the agreement, which was approved on January 17, 2019, due to sewer utilities on Parcel 1E and Parcel 1F, which are state bond financed property. The amendment states the City (seller) represents that, except for the interest created by the Permanent Pipeline Easement, the bond financed property is no longer needed to carry out the governmental purpose for which it was originally acquired. By approving this amendment to the Purchase and Sale Agreement, the City will also be approving the changes to the pipeline easement agreement required by MMB to release the bond declaration on parcels 1E and 1F; and

agreeing to forward the purchase price from BNSF to MMB and pay an equivalent easement fee to BNSF, resulting in a net cost to the City of \$5,000.

Following discussion, Resolution No. 19-117 Approving an Amendment to Purchase and Sale Agreement and a Revised Pipeline Easement Agreement with BNSF Railway Company for the Willmar Wye Project was introduced by Council Member Mueske. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Finance Committee Report for August 8, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were five items for consideration.

Item No. 1 Staff explained to the committee that there has been a need for additional baseball equipment identified for Swansson Field Complex. The purchase of this equipment would assist to enhance the future improvements being discussed at the Orange Field, which will be financed thru the Local Option Sales Tax. Staff went to explain that due to not having to replace cabs and snow blowers when the Public Works mowers were replaced, there was a cost savings of approximately \$85,000, and the estimated costs of the additional equipment would be \$8,081, and recommended funds from the mower purchases be re-allocated to buy the additional equipment as presented. It was the recommendation of the Committee to re-appropriate \$8,081 for the purchase of additional Baseball Equipment for Swansson Field.

**Resolution No. 19-118 Resolution to Re-Allocate Funds for Baseball Equipment** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 2 The committee then reviewed Final Budgets for the 2019 Street Improvement Program. Since all the projects involved different funding sources and some of those funding sources have restricted on how the funds can be used, it was recommended that separate budgets be adopted for each individual project. It was the recommendation of the Committee to adopt the final budgets as presented.

**Resolution No. 19-119 1901-A As-Bid Budget Project Total Cost \$668,543** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 19-120 1901-B As-Bid Budget Total Cost \$2,790,172** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 19-121 1903-A As-Bid Budget Total Cost \$792,533.38** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 19-122 1903-B As-Bid Budget Total Cost \$680,138** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 19-123 1905 As-Bid Budget Total Cost \$130,666** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 3 The committee then discussed the need to fund previous Council action approving the participation in cost sharing of the gas line service by Great Plains Natural Gas in the Industrial Park. The project was initiated by Backes Technology Services, Inc. Since the service line will service additional lots besides that of Backes Technology, it was the recommendation that the Industrial Development Fund pass the City's share of the cost from the proceeds that accumulated in this fund from past land sales in the park. It was the recommendation of the Committee to appropriate \$10,324 to cover the City's cost of the installation.

**Resolution No. 19-124 Authorizing Changes to Industrial Development Fund** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

 $\label{eq:linear_state} \frac{\text{Item No. 4}}{\text{Example 1}} \quad \text{Staff informed the committee that due to previously approved council action in relationship to an agreement with MnDOT for the relocation of water line utilities associated with the project known as the Willmar Wye Project, and due to previous discussion and commitment from the Willmar Municipal Utilities to participate in the costs up to 50% of the project, staff was presented a preliminary budget for the council to consider.$ 

The Industrial Development Fund as of July 31, 2019 had a balance of \$1,821,381. Of this amount \$1,000,000 is reserved and restricted for the PIR (Public Improvement Revolving) and used to cash flow projects until permanent funding can be determined: \$115, 630 is deferred Revenue due from the Magnum Trucking Land Sale, leaving a balance available of \$705,751. With the previous commitment of \$10,324 for the gas line, the reduction to this project of \$685,000, 50% of the signed agreement, the balance would be at \$10,427. It was the recommendation of the Committee to adopt a Preliminary Budget for the Willmar Wye Water Line Relocation Project in the amount of \$1,370,000.

**Resolution No. 19-125 Preliminary Wye Bypass Utilities Budget Total Cost \$1,370,000** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 5 The committee discussed the following items; Cash and Investment Reports by Fund, Hidden Valley Estates Deferred Assessments and the upcoming Meeting Schedule. This item was for information only.

The Finance Committee Report of August 8, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried.

The Community Development Committee Report for August 12, 2019 was presented to the Mayor and Council by Council Member Fagerlie. There were four items for consideration.

Item No. 1 City Attorney Robert Scott informed the Committee that the City Council has previously approved earlier drafts of the JH-Herzog TIF Agreement and TIF Plan. Since March, 2019, there has been a number of conversations between the developer and staff that shed light on the need for a separate development agreement to address the parties' responsibility for the extensive public improvements needed for this project. Therefore, some modifications have been made to simplify the TIF Agreement and a new development agreement has been drafted.

Changes to the version of the TIF Agreement previously approved by the council include simplifying section 4.3 to remove most of the provisions for payment for county road access improvements, which are now included in the development agreement, and corrections to the maximum reimbursement amounts to the developer, which are expected to be very minimal (tens to hundreds of dollars) over millions of dollars.

The next document presented was a standard Development Agreement/Contract. The key items being addressed are the two development components pulled from the TIF Agreement, namely: the access improvements to County Road 5, and the extension of the City's sanitary sewer collection system to the project. The 2020 street improvements by the County will be paid upfront by the Developer to the City, who will pass the payment through to the county under a cooperative construction agreement with the County. The 2021 overlay project of the road will partially be assessed to the property by the County, through a special assessment – a requirement that is currently being finalized with the Developer.

Subparagraph-B in Section-7, on pages-8 and -9, outlines the parties' responsibility for the sanitary sewer extension from the existing main located at the intersection of  $7^{th}$  Street NW and 15th Avenue NW, that will extend to the north lot line of the development property by way of publicly owned land (a city park). Again, this is a cost incurred by the developer.

The rest of the Development Agreement addresses the responsibilities of the parties to the agreements, the storm water management requirements, sewer access charges, and water access charges – The developer's expenses for extending the sewer would be a credit for sewer access charges. Overall the point of the Development Agreement is to ensure everyone is on the same page regarding the application of the city's ordinances to the project.

Chair Fagerlie asked to confirm that is correct that the developer would pay the City \$110K for the road improvements and then City would pay County; and, that the \$230K for the sanitary sewer extension will be a credit to the project's access charges; and, finally, chair Fagerlie asked if the developer has seen the revised agreement? – City attorney confirmed that Chair Fagerlie's understanding was correct – And, that the developer has seen earlier drafts and that the Development Agreement negotiation is now focused on what are considered to be a narrow set of issues.

It was the recommendation of the Committee to approve the revisions to the Tax Increment Financing Agreement.

It was the recommendation of the Committee to approve the Development Agreement as presented (with the understanding that there may be some minor revisions made during the time between the Committee and Council meetings).

City Attorney Robert Scott addressed the minor changes and clarifications to the Mayor and Council.

**Resolution No. 19-126 Approving the Tax Increment Financing Agreement with JH, LLC.** was introduced by Council Member Fagerlie. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 19-127 Approving the Development Agreement with JH, LLC.** was introduced by Council Member Fagerlie. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 2 Aaron Backman, Executive Director of Economic Development Commission (EDC) was present to inform the Committee of the request to approve the cost participation in water and sewer line extensions to Epitopix, LLC, a company based just outside Willmar, MN. Mr. Backman explained that Epitopix is a producer of veterinary vaccines for the agricultural sector, selling vaccine throughout the U.S. for use in poultry, cattle, and swine. Epitopix currently holds over 50 U.S. and worldwide patents on their biotechnology products. They make an annual investment of 30% of total sales in research, discovery and new product development. In addition, they maintain their own manufacturing facilities, as they seek future growth at their R&D and corporate offices located in Willmar's MinnWest Technology Campus. In 2009, the City considered a similar request, but it did not move forward at that time. Today, circumstances have changed for Epitopix, the City of Willmar, and the State of Minnesota.

It was explained that the current wastewater arrangement requires the company to haul all the dirty water to the City's Wastewater Treatment Plant. Large trucks have to travel daily to reach the underground waste tanks pumping stations. This increases the chance for personal injury or property damage. Also there is a risk of accidental surface discharge during the pumping and transport of the wastewater. Moreover, Epitopix is currently without a fire sprinkler system to protect property and lives in the event of a major fire. Public and environmental safety concerns would be addressed by this proposal.

Paying to haul liquid waste is a significant financial burden on Epitopix and raises uncertainty for the company's future plans in Willmar. The lack of sanitary sewer and water supply lines is also a major restraint

to overall investment in the area and future expansion of other existing facilities. Connection to city water and sewer will ensure that the area around Epitopix is open to substantial future investments, are protected against fire, and will mitigate the risk of interrupted production activities caused by a loss of wastewater trucking services, or the loss of permission to haul wastewater from outside the city limits.

Critical to the timing of the water and sewer extension, was the opportunity to coordinate with the Willmar Wye Project. Without this coordination with the Wye project, future routes to connect city services to Epitopix and other businesses could be blocked. Adding new sewer and water piping now, allows City of Willmar to complete the connection prior to being blocked by Wye tracks immediately east of Epitopix's manufacturing site.

Vaxxinova, the Netherlands Company that owns Epitopix, is willing to invest private funds in cooperation with the City of Willmar and the State of Minnesota for the construction of both water and sewer lines needed to connect Epitopix to Willmar Municipal Utilities - A letter of support from Epitopix was included in the presentation packet.

It was requested that the Development Committee approve of a resolution in support of making the grant application to the Innovative Business Development Public Infrastructure (BDPI) program through the MN Department of Employment and Economic Development's (DEED). It was the recommendation of the Committee to allow the Grant Application to be submitted.

EDC Director Aaron Backman and Epitopix representative Mitch Schueler were present to provide additional information to the Mayor and Council.

Following discussion, **Resolution No. 19-128 Innovative Business Development Infrastructure Application** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 3 Staff informed the Committee participation in the National Flood Insurance Program (NFIP) has been fully vetted over the course of the past several months and that NFIP participation was approved by the City Planning Commission on Wednesday, August 7, 2019. Staff also informed the Committee that nothing has changed in the NFIP application since the first time it was reviewed. Staff informed the Committee that they seek a motion to forward the NFIP Application to the City Council meeting on August 19, 2019. It was the recommendation of the Committee to introduce the FEMA Enrollment Application, Floodplain Ordinance, and Resolution to participate in the National Flood Insurance Program (NFIP) during the August 19, 2019, City Council meeting for a public hearing on September 3, 2019.

Following discussion, Council Member Fagerlie offered a motion **to introduce an Ordinance of the City of Willmar, Minnesota Enacting a New Article III, Floodplain Management in Chapter 14 of the City Code,** and set a public hearing for September 3, 2019 at 7:01 p.m.

Council Member Fagerlie offered a motion to approve publication of said Floodplain Management Ordinance by summary due to the length and cost of publishing entire Ordinance. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Mueske suggested the full ordinance be placed on the website for public review.

<u>Item No. 4</u> Staff first informed the Committee that the Permit Technician/Clerk job announcement was posted and interviews will begin on Monday August 19th. Staff also mentioned that a coordinative meeting was held between the Director of the Economic Development Commission (EDC), City Finance Director and Planning and Development Services Director to better coordinate economic development and City cost-sharing initiatives. The Committee was also informed that the department's development activities have resulted permit revenues of about \$360,000 and total development valuation of about \$48,000,000. The development is predominantly spread across the following four sectors: \$4M worth of Retail projects, \$14M Institutional projects, \$16M Industrial projects, and \$15M worth of Multifamily Housing

projects (143-Units altogether). It was also mentioned that Kohl's will likely receive a temporary Certificate of Occupancy next week, to begin furnishing and setting up product displays; Kennedy Elementary School's \$5M renovation should be done in a couple weeks (just in time for the beginning of school), and the 47-unit  $15^{th}$  Street Flats apartment building will likely receive a temporary Certificate of Occupancy on August  $22^{nd}$  and a full C/O on August  $30^{th}$ . This item was for information only.

The Community Development Committee Report of August 12, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie. Council Member Nelsen seconded the motion which carried.

City Attorney Robert Scott and Public Works Director Sean Christensen presented a request to approve a letter of undertaking regarding a drain tile easement encumbering Wye Parcels 1E and 1F in favor of the Mark Kvam Trust. The conditions in the letter would include: 1) the City will exercise its rights under the easement and not approve any new tile installations within Parcels 1E and 1F; 2) the City will exercise its rights under easement and not approve requests for access to Parcels 1E and 1F; 3) the City will assume responsibility for any damages to and defend any claims brought by the benefitting property owner resulting from the City's actions under items one and two above; 4) the City will continue its efforts, on its own and in conjunction with the County's efforts to acquire Parcels 1D and 3A, to secure a voluntary release of the easement from the easement holder; and 5) the City will commence a condemnation action, or participate in an action brought by the County to acquire Parcels 1D and 3A, to extinguish the easement if its efforts to secure a voluntary release pursuant to item four above are unsuccessful, and shall complete such efforts prior to the date of the second closing as defined in the Timeline attached as Exhibit F to the Master Cooperation Agreement between the City, MnDOT, Kandiyohi County and BNSF.

Following discussion, Council Member Asmus offered a motion to authorize City Attorney Robert Scott to submit the letter of undertaking as requested. Council Member Nelsen seconded the motion which carried.

The Labor Committee Report for August 12, 2019 was presented to the Mayor and Council by Council Member Davis. There were five items for consideration.

<u>Item No. 1</u> Staff brought forth, for approval, updating the Building Permit Technician job description since the position is currently vacant and needs to be posted and filled. The title was updated as well as a few of the duties but no major changes in description or role. It was the recommendation of the Committee to approve the updated job description with two additional minor changes.

Council Member Davis offered a motion to approve the Committee's recommendation. Council Member Schwantes seconded the motion which carried.

Item No. 2 Staff brought forth, for consideration, updating the current Elected Official Out of State Travel Policy and the Employee Travel Policy. The proposed updates would tie the meal reimbursement amounts to state approved levels rather than a specific amount set by City policy. This will reduce the time employees and the Finance Department spend on processing receipts and other travel reimbursement. The policy will not need to be continually updated to account for price changes as it will be tied to the state's reimbursement rate. It was the recommendation of the Committee to approve the updated Elected Official Out of State Travel Policy with one minor edit.

**Resolution No. 19-129 Out-Of-State Travel Policy for the Willmar City Council** was introduced by Council Member Davis. Council Member Schwantes seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

It was also the recommendation of the Committee to approve the updated employee Travel Reimbursement Policy.

Council Member Davis offered a motion to approve the recommendation of the Committee. Council Member Schwantes seconded the motion which carried.

Item No. 3 Staff presented the sixth section of the updated employee personnel policy, Sick Leave Donation Policy, and Sick Leave Upon Separation Policy. Text in black is League's recommended language, text in green is language pulled from our existing Personnel Policy, and text highlighted in yellow is a new policy being implemented at the City. The following was all pointed out as new policies being implemented through this section of the Policy: requirement that all paid time must be used during a Leave of Absence, requirement that sick leave be used before vacation or comp time for a medical leave, sick leave not being approved after notice of termination has been given, and exempt employee must provide a 4 weeks' notice to receive their vacation or sick leave paid out. It was the recommendation of the Committee to adopt the sixth section of the new Personnel Policy and two additional policies.

Council Member Davis offered a motion to approve the recommendation of the Committee. Council Member Schwantes seconded the motion which carried.

Item No. 4 Staff distributed the seventh section of the updated employee personnel policy. At the League's recommendation, staff is utilizing their handbook template and customizing it to Willmar's policies and procedures. This item was for information only.

 $\underline{\text{Item No. 5}} \qquad \text{Reminder that there will be no Labor Committee Meeting on August 26$^{th}$. This item was for information only.}$ 

The Labor Committee Report of August 12, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Davis. Council Member Schwantes seconded the motion which carried.

The Special Finance Committee Report for August 16, 2019 was presented to the Mayor and Council by Council Member Nelsen. There was one item for consideration.

Item No. 1 Staff explained to the committee that the bids have been received for the Robbins Island Four-Season Shelter. The bidders were asked to submit a base bid and alternates for asphalt shingles, polished concrete floor, air conditioning, spray foam insulation, wood ceiling and wall feature in the community room.

There were three bids received and the base bids were as follows: A) \$891,250; B) \$911,634; and, C) \$913,000.

Staff's recommendation was to keep the Base Bid of Contractor A of \$891,250 (Steel Roof), to add the alternate of polished concrete floor of \$19,127 to the project. This along with the estimated engineering, \$90,000, and contingency \$70,000, would bring the total project cost to \$1,070,377.

Present funding for the project consisted of the Legacy Grant from the MN DNR of \$606,000 and current City Capital Funding of \$233,000, for a total presently available of \$839,000, which would require additional funding of \$231,377. Areas of additional funding listed by staff were from Excess 2018 Revenues of \$840,664, Unspent 2019 Capital Improvement Projects of Auditorium of \$250,000, Robbins Island Amphitheatre of \$170,000 and Excess dollars remaining from the purchase of Public Works Mowers of \$76,000.

The committee discussed at length the alternates, and if the funding from the amphitheatre and mower surplus is used, it would not only be able to fund staff's recommendation, but also do the air conditioning and spray foam insulation.

After very lengthy discussion, it was the recommendation of the Committee to: 1) re-appropriate \$170,000 budgeted as partial funding for an amphitheatre at Robbins Island and \$76,000 left from the purchase of Public Works mowers to the Robbins Island Four-Season Shelter Project, and 2) to accept the base bid of Contractor A with the alternates of the polished concrete floor, air conditioning and spray foam insulation, and authorize the Mayor and Administrator to sign the agreement.

Engan and Associates representative Richard Engan offered his support to approve the low bidder and stated they would be able to start the project after Labor Day.

Following a lengthy discussion, **Resolution No. 19-130 Authorizing Changes to Capital Improvement Fund for Robbins Island – Four Season Shelter** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 5, Noes 2. Council Members Schwantes and Davis voted "no".

**Resolution No. 19-131 Authorization to Execute Agreement with RAM General Contracting for Robbins Island Four-Season Shelter** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 5, Noes 2. Council Members Schwantes and Davis voted "no".

The Special Finance Committee Report of August 16, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried.

Council Member Mueske offered the following comments: thanked Council Members Davis and Nelsen for covering his committee work last week when he was unavailable.

Council Member Asmus offered the following comments: Park and Recreation Board will meet on Wednesday at 1:30 p.m.; Public Works/Safety Committee will meet on Wednesday at 5:15 p.m.; and Finance Committee will meet on Thursday at 5:15 p.m.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion which carried. The meeting adjourned at 9:36 p.m.

	s/s Marv Calvin	
	MAYOR	
Attest:		
s/s Judy Thompson		
SECRETARY TO THE COUNCIL		

#### **RESOLUTION NO. 19-111**

#### RESOLUTION AUTHORIZING HIRING OF ARCHITECT FOR THE CURLING CENTER

Motion By:	Asmus	Second By: Alvarado

WHEREAS, the Parties entered into that certain Curling Center Build-to-Suit Lease Agreement on August 23, 2018, under which the City agreed to design, construct and thereafter lease to Glacial Ridge Curling ("GRC") a dedicated curling facility to be funded primarily by donations made by GRC to the City on the terms and conditions set forth in the Agreement; and

WHEREAS, the Parties entered into the First Amendment to the Curling Center Build-to-Suit Lease Agreement on June 6, 2019 (collectively the Build-to-Suit Lease Agreement and First Amendment are referred to herein as the "Agreement") in order to, among other things, accelerate the timing of the City's hiring of the architect and such other professional consultants as required or convenient to successfully complete the architectural and engineering design of the Project, as that term is defined in the Agreement, entirely with funds donated to the City by GRC; and

WHEREAS, GRC has provided the City with a proposal by Lon Negen of Negan and Associates for a portion of the Design Professionals' services to be performed pursuant to the Agreement, specifically including the design and preparation of plans, specifications and bid package for the Curling Center, as that term is defined in the Agreement, but excluding the refrigeration system design, which proposal is appended to this Resolution (the "Negen proposal").

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the scope of services and contract price proposed is hereby approved, and the Mayor and City Administrator are hereby authorized to sign a contract retaining Negan and Associates on the City's behalf in a form satisfactory to the City Administrator and City Attorney, and consistent with Agreement,, subject to the following conditions precedent:

- 1. The City shall first receive from GRC a donation, in an amount equal to the amount of the Basic Services fee stated in the Negen proposal plus five percent;
- 2. The City shall receive written confirmation from GRC that the amount donated to the City by GRC pursuant to Paragraph 1 above shall constitute a portion of the "Design Services Donation," as defined in the Agreement, and that the remainder of the Design Services Donation necessary to fund the professional services required to complete the architectural and engineering design of the Curling Center, as defined in the Agreement, including but not limited to the design of the Curling Center's refrigeration system, will be donated to the City prior to the City's approval of and entry into any contract(s) for such additional professional architectural or engineering services, in the same manner in which the Negen proposal was approved herein.

Minnesota, that the purchase of three Ford Interceptor utility vehicles is accepted, and

Dated this 19th day of August, 2019.

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby

Mayor

s/s Marv Calvin

authorized to enter into an agreement with the bidder for the terms and consideration of the contract.

Attest:		
s/s Judy Thom City Clerk		N NO. 19-113
RES		NT BETWEEN WILLMAR PUBLIC SCHOOLS RECREATION DEPARTMENT
	Motion By: <u>Asmus</u>	Second By: <u>Alvarado</u>
		City of Willmar to approve an agreement with Willmar tment to utilize each other's facilities per the facility use
Dated t	chis 19th of August, 2019	
Attest:		<u>s/s Marv Calvin</u> MAYOR
Attest.		
s/s Judy Thom CITY CLERK		N NO. 19-114
A RE		SE OF A CHEVROLET SILVERADO HD 2500 T OF \$32,789.92.
	Motion By: <u>Asmus</u>	Second By: Nelsen
		City of Willmar, a Municipal Corporation of the State of the HD 2500 is accepted through Cooperative Purchasing,
authorized to	-	City Administrator of the City of Willmar are hereby son Chevrolet Fleet Department for the terms and .92.
Dated t	chis 19th day of August, 2019	
		s/s Marv Calvin Mayor
Attest:		
s/s Judy Thom City Clerk	pson	

## **RESOLUTION NO. 19-115**

## A RESOLUTION APPROVING THE PURCHASE OF A PRO PATCH TRAILER IN THE AMOUNT OF \$94,783.

Motion By: <u>Asmus</u> Second By: <u>Alvarado</u>
BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the purchase of a Pro Patch Trailer is accepted through Contract No. 137247, and
BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Ruffridge Johnson Equipment Company, Inc. for the terms and consideration of the contract in the amount of \$94,783.
Dated this 19th day of August, 2019
s/s Marv Calvin Mayor
Attest:
s/s Judy Thompson City Clerk
RESOLUTION NO. 19-116
A RESOLUTION RESCINDING THE ORDINANCE FOR LAND PURCHASE AND APPROVING THE BORROW OPTION PURCHASE AGREEMENT WITH HOFFMAN CONSTRUCTION COMPANY.
Motion By: <u>Asmus</u> Second By: <u>Alvarado</u>
BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the land purchase agreement with Hoffman Construction Company is rescinded, and
BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to approve the Borrow Option Purchase Agreement for material use of the property.
Dated this 19th day of August, 2019
<u>s/s Marv Calvin</u> Mayor
Attest:
_s/s Judy Thompson City Clerk
RESOLUTION NO. 19-117

A RESOLUTION APPROVING AN AMENDMENT TO PURCHASE AND SALE AGREEMENT AND A REVISED PIPELINE EASEMENT AGREEMENT WITH BNSF RAILWAY COMPANY FOR THE WILLMAR WYE PROJECT

Motion By: <u>Mueske</u> Second By: <u>Schwantes</u>

WHEREAS, the City of Willmar ("City") and BNSF Railway Company ("BNSF") entered into that certain Purchase and Sale Agreement (the "Agreement") on January 17, 2019, approved by the City Council in Resolution No. 18-156, pursuant to which the City agreed to convey approximately 25.32 acres of real property in or near the City as depicted in Exhibit A attached to the Agreement (the "Property") to BNSF; and

WHEREAS, that portion of the Property as depicted on Exhibit C attached to the Agreement, legally described as Parcel 1E and Parcel 1F, Kandiyohi County Willmar Wye Project Right of Way Plat No. 1 (the "Bond Financed Property"), on which are located the Seller Sewer Utilities, as that term is defined in the Agreement, is state bond financed property within the meaning of Minn. Stat. § 16A.695, and the City hereby represents that, except for the interest created by the Permanent Pipeline Easement attached as Exhibit 1 to the Amendment to Purchase and Sale Agreement, which is appended hereto (the "PSA Amendment"), the Bond Financed Property is no longer needed to carry out the governmental purpose for which it was originally acquired; and

WHEREAS, the City Council, by adopting Resolution No. 18-156, further approved a Permanent Pipeline Easement Agreement with BNSF setting for the terms and conditions of a permanent easement reserved to the City with respect to sanitary sewer pipelines owned and operated by the City on the Bond Financed Property; and

WHEREAS, the City and BNSF have determined that it is in their best interests to revise certain obligations set forth in the Agreement and the Easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Amendment to Purchase and Sale Agreement appended hereto, and the revised Permanent Pipeline Easement Agreement attached as Exhibit 1 to the Amendment, are both hereby approved, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute said agreements on behalf of the City.

• •	
	s/s Marv Calvin
	Mayor
Attest:	
s/s Judy Thompson	
City Clerk	

#### **RESOLUTION NO. 19-118**

## A RESOLUTION TO RE-ALLOCATE FUNDS FOR BASEBALL EQUIPMENT

Motion By: Nelsen Second By: Asmus	;
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BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Capital Improvement fund:

Increase: Baseball Equipment \$8,081.00

Decrease: Public Works Mowers \$8,081.00

Dated this 19th day of August, 2019.

Dated this 19th day of August, 2019.

s/s Mary Calvin	
MAYOR	

Attest:

\_s/s Judy Thompson CITY CLERK

## RESOLUTION NO. 19-119 1901-A AS-BID BUDGET TOTAL COST \$668,543

\*Budget Amounts are Essential

Motion By: Nelsen Second By: Fagerlie

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Code			
PERSONNEL SERVICES		RECEIVABLES	
10* Salaries Reg. Employees		Assessments Prop Owners	\$772,582.20
11* Overtime Reg. Employees		Community Investment	-\$128,326.45
12* Salaries Temp. Employees		MSA	\$0.00
13* Employer Pension Contr.		MUC	\$16,787.25
14* Employer Ins. Contr.		WTP	\$7,500.00
TOTAL	\$0.00		
		TOTAL	\$668,543.00
SUPPLIES			
20* Office Supplies		FINANCING	
21* Small Tools		Bonds	\$644,255.75
22* Motor Fuels & Lubricants		Fed Aid	\$0.00
23* Postage		MSA	\$0.00
24 Mtce. of Equipment		WTP	\$7,500.00
25 Mtce. of Structures		MUC	\$16,787.25
26 Mtce. of Other Improvements			
27 Subsistenance of Persons		TOTAL	\$668,543.00
28 Cleaning & Waste Removal			
29* General Supplies		GRAND TOTAL	\$668,543.00
TOTAL	\$0.00		
		Dated this 19th day of August, 2019	
OTHER SERVICES			
33* Travel-ConfSchools			
34 Mtce. of Equipment		s/s Marv Calvin	
35 Mtce. of Structures		Mayor	
36* Mtce. of Other Impr.	\$551,775.87		
37 Subsistence of Persons		Attest:	
38 Cleaning & Waste Removal			
39* Other Services	\$55,178		
TOTAL	\$606,953	s/s Judy Thompson	
		City Clerk	

GRAND TOTAL	\$668,543.00
TOTAL	\$61,589.71
48 Admin OH (Transfer)	\$9,734.00
46* Prof. Serv.	\$51,855.71

## **RESOLUTION NO. 19-120** 1901-B AS-BID BUDGET **TOTAL COST \$2,790,172**

\*Budget Amounts are Essential

Motion By: Nelsen Second By: Asmus

Code			
PERSONNEL SERVICES		RECEIVABLES	
10* Salaries Reg. Employees		Assessments Prop Owners	\$475,210.88
11* Overtime Reg. Employees		Community Investment	\$1,924,466.71
12* Salaries Temp. Employees		MSA	\$0.00
13* Employer Pension Contr.		MUC	\$347,994.41
14* Employer Ins. Contr.		WTP	\$42,500.00
TOTAL	\$0.00		
		TOTAL	\$2,790,172.00
SUPPLIES			
20* Office Supplies		FINANCING	
21* Small Tools		Bonds	\$2,399,677.59
22* Motor Fuels & Lubricants		Fed Aid	\$0.00
23* Postage		MSA	\$0.00
24 Mtce. of Equipment		WTP	\$42,500.00
25 Mtce. of Structures		MUC	\$347,994.41
26 Mtce. of Other Improvements			
27 Subsistenance of Persons		TOTAL	\$2,790,172.00
28 Cleaning & Waste Removal			
29* General Supplies		GRAND TOTAL	\$2,790,172.00
TOTAL	\$0.00		
		Dated this 19th day of August, 2019	
OTHER SERVICES			
33* Travel-ConfSchools			
34 Mtce. of Equipment		s/s Marv Calvin	
35 Mtce. of Structures		Mayor	
36* Mtce. of Other Impr.	\$2,232,137.65		
37 Subsistence of Persons		Attest:	
38 Cleaning & Waste Removal			
39* Other Services	\$223,214		
TOTAL	\$2,455,351.00	<u>s/s Judy Thompson</u>	

City Clerk

46\* Prof. Serv.\$334,820.6548 Admin OH (Transfer)\$0.00TOTAL\$334,820.65GRAND TOTAL\$2,790,172.00

## RESOLUTION NO. 19-121 1903-A AS-BID BUDGET TOTAL COST \$792,533.38

\*Budget Amounts are Essential

Motion By: Nelsen Second By: Fagerlie

Code		DECENTARI EC	
PERSONNEL SERVICES		RECEIVABLES	#20 <b>=</b> 20 <b>=</b> 40
10* Salaries Reg. Employees		Assessments Prop Owners	\$337,805.10
11* Overtime Reg. Employees		Community Investment	-\$337,805.10
12* Salaries Temp. Employees		MSA	\$792,533.38
13* Employer Pension Contr.		MUC	\$0.00
14* Employer Ins. Contr.		WTP	\$42,500.00
TOTAL	\$0.00		
		TOTAL	\$792,533.00
SUPPLIES			
20* Office Supplies		FINANCING	
21* Small Tools		Bonds	\$0.00
22* Motor Fuels & Lubricants		Fed Aid	\$0.00
23* Postage		MSA	\$792,533.38
24 Mtce. of Equipment		WTP	\$0.00
25 Mtce. of Structures		MUC	\$0.00
26 Mtce. of Other Improvements			
27 Subsistenance of Persons		TOTAL	\$792,533.38
28 Cleaning & Waste Removal			•
29* General Supplies		GRAND TOTAL	\$792,533.00
TOTAL	\$0.00		
		Dated this 19th day of August, 2019	
OTHER SERVICES			
33* Travel-ConfSchools			
34 Mtce. of Equipment		s/s Marv Calvin	
35 Mtce. of Structures		Mayor	
36* Mtce. of Other Impr.	\$634,026.70		
37 Subsistence of Persons		Attest:	
38 Cleaning & Waste Removal			
39* Other Services	\$63,403.00		
TOTAL	\$697,429.00	s/s Judy Thompson	
	·	City Clerk	

46\* Prof. Serv.\$95,104.0148 Admin OH (Transfer)\$0.00TOTAL\$95,104.01GRAND TOTAL\$792,533.00

## RESOLUTION NO. 19-122 1903-B AS-BID BUDGET TOTAL COST \$680,138

\*Budget Amounts are Essential

Motion By: Nelsen Second By: Asmus

Code		DD00004 DV D0	
PERSONNEL SERVICES		RECEIVABLES	+0.40.6.4.==
10* Salaries Reg. Employees		Assessments Prop Owners	\$210,644.75
11* Overtime Reg. Employees		Community Investment	\$313,492.25
12* Salaries Temp. Employees		MSA	\$156,001.00
13* Employer Pension Contr.		MUC	\$0.00
14* Employer Ins. Contr.		WTP	\$0.00
TOTAL	\$0.00		
		TOTAL	\$680,138.00
SUPPLIES			
20* Office Supplies		FINANCING	
21* Small Tools		Bonds	\$524,137.00
22* Motor Fuels & Lubricants		Fed Aid	\$0.00
23* Postage		MSA	\$156,001.00
24 Mtce. of Equipment		WTP	\$0.00
25 Mtce. of Structures		MUC	\$0.00
26 Mtce. of Other Improvements			
27 Subsistenance of Persons		TOTAL	\$680,138.00
28 Cleaning & Waste Removal			
29* General Supplies		GRAND TOTAL	\$680,138.00
TOTAL	\$0.00		
		Dated this 19th day of August, 2019	
OTHER SERVICES			
33* Travel-ConfSchools			
34 Mtce. of Equipment		s/s Marv Calvin	
35 Mtce. of Structures		Mayor	
36* Mtce. of Other Impr.	\$544,110.55		
37 Subsistence of Persons		Attest:	
38 Cleaning & Waste Removal			
39* Other Services	\$54,411.00		
TOTAL	\$598,522.00	s/s Judy Thompson	

City Clerk

\$81,616.58 46\* Prof. Serv. 48 Admin OH (Transfer) \$0.00 **TOTAL** \$81,616.58 \$680,138.00 **GRAND TOTAL** 

## **RESOLUTION NO. 19-123** 1905 AS-BID BUDGET **TOTAL COST \$130,666**

\*Budget Amounts are Essential

Motion By: Nelsen Second By: Asmus

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r	_	a	$\sim$

Code			
PERSONNEL SERVICES		RECEIVABLES	
10* Salaries Reg. Employees		Assessments Prop Owners	\$0.00
11* Overtime Reg. Employees		Community Investment	\$0.00
12* Salaries Temp. Employees		MSA	\$0.00
13* Employer Pension Contr.		MUC	\$0.00
14* Employer Ins. Contr.		WTP	\$0.00
TOTAL	\$0.00	General	\$130,666.00
		TOTAL	\$130,666.00
SUPPLIES			
20* Office Supplies		FINANCING	
21* Small Tools		Bonds	\$130,666.00
22* Motor Fuels & Lubricants		Fed Aid	\$0.00
23* Postage		MSA	\$0.00
24 Mtce. of Equipment		WTP	\$0.00
25 Mtce. of Structures		MUC	\$0.00
26 Mtce. of Other Improvements			
27 Subsistenance of Persons		TOTAL	\$130,666.00
28 Cleaning & Waste Removal			
29* General Supplies		GRAND TOTAL	\$130,666.00
TOTAL	\$0.00		
		Dated this 19th day of August, 2019	
OTHER SERVICES			
33* Travel-ConfSchools			
34 Mtce. of Equipment		s/s Marv Calvin	
35 Mtce. of Structures		Mayor	
36* Mtce. of Other Impr.	\$104,532.50		
37 Subsistence of Persons		Attest:	
38 Cleaning & Waste Removal			
39* Other Services	\$10,453.00		
TOTAL	\$114,986.00	s/s Judy Thompson	
		City Clerk	

46\* Prof. Serv.\$15,679.8848 Admin OH (Transfer)\$0.00TOTAL\$15,679.88GRAND TOTAL\$130,666.00

## **RESOLUTION NO. 19-124**

## A RESOLUTION AUTHORIZING CHANGES TO INDUSTRIAL DEVELOPMENT FUND

	Motion By: <u>Nelsen</u>	Second By: <u>Fagerlie</u>	
	LVED by the City Council of the Cit es to the Industrial Development fu	y of Willmar to authorize the Finance D nd:	rector to make
Increase:	Other Improvements	\$ 10,324.00	
Decrease:	Fund Balance	\$ 10,324.00	
Dated this 2	19th day of August, 2019.		
		<u>s/s Marv Calvin</u> MAYOR	
Attest:			
s/s Judy Thompson	1		

## RESOLUTION NO. 19-125 PRELIMINARY WYE BYPASS UTILITIES BUDGET TOTAL COST \$1,370,000

\*Budget Amounts are Essential

Motion By: <u>Nelsen</u> Second By: <u>Asmus</u>

Code

PERSON	NEL SERVICES		RECEIVABLES	
10* Sala	ries Reg. Employees		Assessments Prop Owners	\$0.00
11* Ove	rtime Reg. Employees		Community Investment	\$0.00
12* Sala	ries Temp. Employees		MSA	\$0.00
13* Emp	oloyer Pension Contr.		MUC	\$685,000
14* Emp	oloyer Ins. Contr.		City	\$685,000
TO'	ΓAL	\$0.00		

TOTAL \$1,370,000

SUPPLIES			
20* Office Supplies		FINANCING	
21* Small Tools		Bonds	\$0.00
22* Motor Fuels & Lubricants		Fed Aid	\$0.00
23* Postage		MSA	\$0.00
24 Mtce. of Equipment		City	\$685,000
25 Mtce. of Structures		MUC	\$685,000
26 Mtce. of Other Improvements			, ,
27 Subsistenance of Persons		TOTAL	\$1,370,000
28 Cleaning & Waste Removal			
29* General Supplies		GRAND TOTAL	\$1,370,000
TOTAL	\$0.00		4-,0:0,000
		Dated this 19th day of August, 2019	
OTHER SERVICES		, and the second	
33* Travel-ConfSchools			
34 Mtce. of Equipment		s/s Marv Calvin	
35 Mtce. of Structures		Mayor	
36* Mtce. of Other Impr.	\$1,370,000	1 30,9 31	
37 Subsistence of Persons	, _, _ , _ ,	Attest:	
38 Cleaning & Waste Removal			
39* Other Services			
TOTAL	\$1,370,000	s/s Judy Thompson	
10111	42,010,000	City Clerk	
OTHER CHARGES		only stern	
46* Prof. Serv.			
48 Admin OH (Transfer)			
TOTAL	\$0.00		
GRAND TOTAL	\$1,370,000		
GRAND TOTAL	\$1,370,000		
	RESOLUTIO	N NO. 19-126	
A DESCLUTION ADDROVING	THE TAY INCDE	MENT FINANCING AGREEMENT WITH	шис
A RESOLUTION AFT ROVING	THE TAX INCRE	MENT FINANCING AGREEMENT WITH	JII, LLC.
Motion By:	Fagerlie	Second By: <u>Mueske</u>	
BE IT RESOLVED by the City	Council of the Cit	ty of Willmar, a Municipal Corporation of	the State of
		ent with JH, LLC appended hereto, is accep	
and hereby approved, and	0 0	, , 11	
	1 1 . 14	Lan All Lan Call and Carrill	
		nd City Administrator of the City of Willmanus Stantial conformance with the draft ap	
on behalf of the City.	u agreement in s	ubstantial comormance with the trait ap	pended hereto
on benan of the city.			
Dated this 19th day of Augus	t, 2019		
_		s/s Marv Calvin	
•		Mayor	
Attest:			
s/s Judy Thompson			
City Clerk			

#### **RESOLUTION NO. 19-127**

## A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT WITH JH, LLC.

Motion By: <u>Fagerlie</u> S	Second By: <u>Schwantes</u>
BE IT RESOLVED by the City Council of the City of W Minnesota, that the Development Agreement with JH, LLC ap approved, and	
BE IT FURTHER RESOLVED that the Mayor and City authorized to execute a version of said agreement in substaron behalf of the City.	
Dated this 19th day of August, 2019	
- Attest:	s/s Marv Calvin Mayor
s/s Judy Thompson City Clerk	

#### **CITY OF WILLMAR**

#### **RESOLUTION NO. 19-128**

## INNOVATIVE BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION

M - + D	Parameter	C J D	NI -1
Motion By:	Fagerlie	Second By:	Nelsen

BE IT RESOLVED that the City of Willmar, act as the legal sponsor for project(s) contained in the Innovative Business Development Infrastructure Application to be submitted on or about September 6, 2019 and that Aaron Backman (Executive Director, Kandiyohi County and City of Willmar Economic Development Commission) is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Willmar.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Willmar, may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that the City of Willmar has committed \$582,000 towards the local match requirement for the \$2.2 million projected cost of the Epitopix Utility Extension Project.

BE IT FURTHER RESOLVED that the City of Willmar will the repay the grant if milestones are not realized by the completion date identified in the Application.

The City of Willmar certifies that it will comply with all applicable laws, regulations and rules of the Application.

BE IT FURTHER RESOLVED that the sources and uses, private investors, equity and other financing commitments represented in the attached document are accurate.

NOW, THEREFORE, BE IT RESOLVED that Aaron Backman (Executive Director, Kandiyohi County and City of Willmar Economic Development Commission), or his successor in office, is hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the Applicant.

EFFECTIVE DATE. This ordinance shall take effect after its adoption and second publication.

Passed by the City Council of the City of Willmar this 19th day of August, 2019.

ATTEST:

/ r 1 m)		/ W _ G ] :	
s/s Judy Th	ompson	<u>s/s Marv Calvin</u>	
Judy Thomps	son, City Clerk	Marvin Calvin, Mayor	
VOTE:		_XASMUSX_DAVISX_FAGERLIE NELSENAB_PLOWMANX_SCHWANTES	

#### RESOLUTION NO. 19-129

#### **OUT-OF-STATE TRAVEL POLICY FOR THE WILLMAR CITY COUNCIL**

Motion By: <u>Davis</u>	Second By: <u>Schwantes</u>

WHEREAS, the 2005 regular session of the Minnesota State Legislature has mandated that every City develop and approve, by a recorded vote, an out-of-state travel policy for its applicable elected officials (Minnesota Statutes 471.661); and

WHEREAS, the elected officials for the City of Willmar affected by this statutory requirement are the Mayor and eight ward Council Members; and

WHEREAS, the City of Willmar recognizes that its elected officials may at times receive value from traveling out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which out-of-state travel will be reimbursed by the City; now, therefore

BE IT RESOLVED: That the following Out-of-State Travel Policy shall apply for all City of Willmar Elected Officials beginning August 19, 2019:

#### General Guidelines:

- 1. The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of the travel. In evaluating the out-of-state travel request, the Council will consider the following:
  - a. Whether the elected official will be receiving training on issues relevant to the City or to

- his or her role as the Mayor or as a council member;
- b. Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
- c. Whether the elected official will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
- d. Whether the elected official has been specifically assigned by the Council to visit another city for the purpose of establishing a goodwill relationship such as a "sister-city" relationship.
- e. Whether the elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
- f. Whether the City has sufficient funding available in the budget to pay the cost of the trip.
- 2. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
- 3. The City may make payments in advance for airfare, lodging and registration if specifically approved by the council. Otherwise all payments will be made as reimbursements to the elected official.
- 4. The City will reimburse for transportation, lodging, meals, registration and incidental costs as follows:
  - a. Airfare will be reimbursed at the coach rate.
  - b. Mileage will be reimbursed at the IRS rate. If two or more council members travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct City business.
  - c. Receipts are required for lodging and airfare and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form shall be submitted to the Finance Department for payment.
  - d. A flat rate allowance for meals will be granted based off of the U.S. General Services Administration Meals & Incidentals Per Diem Rate for the location the elected official is travelling to. (https://www.gsa.gov/travel/plan-book/per-diem-rates)
  - d. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the cost of registration or recreational expenses such as golf or tennis.
- 5. The elected official shall make available to the City all materials received at said conference.
- 6. All frequent flyer miles or rebates shall accrue to the benefit of the owner of the credit card used in the purchase of allowable travel expenses.
- 7. The City Council may make future amendments to this policy as deemed appropriate. The City Council also reserves the right to approve exceptions to this policy upon a majority vote of the Council.

Dated this 19th day of August, 2019.

s/s Marv Calvin MAYOR

	ATTEST:			
	s/s Judy Thon	npson	<u> </u>	
	CITY CLERK			
		RESOLU	JTION NO. 19-	130
	A RESOLU	TION AUTHORIZING CHA ROBBINS ISLAN		TAL IMPROVEMENT FUND FOR ON SHELTER
		Motion By: Nelsen	Secon	nd By: <u>Asmus</u>
the foll		ED by the City Council of to the Capital Improvemen		nar to authorize the Finance Director to make
	Increase:	Robbins Island- Four Se	ason Shelter	\$ 246,000.00
	Decrease:	Robbins Island- Ampith Public Works Mowers	eatre	\$ 170,000.00 \$ 76,000.00
	Dated this 19th	h day of August, 2019.		
Attest:			<u>s/s N</u> MAYO	Marv Calvin DR
_s/s Ju CITY C		RESOLU	JTION NO. 19-	131
	AUTHORIZ	ATION TO EXECUTE AGE FOR ROBBINS ISL		H RAM GENERAL CONTRACTING SON SHELTER
	М	otion By: <u>Nelsen</u>	S	econd By:_Asmus
of Will base b	sota, that the Ma mar and Ram Ge	yor and City Administrato eneral Contracting of Wins es of the polished concre	r be authorized ted, MN to cons	lmar, a municipal corporation of the State of to enter into an agreement between the City truct the Robbins Island Four-Season Shelter aditioning, and spray foam insulation in the
	Dated this 19th	h day of August, 2019.		
				s/s Marv Calvin MAYOR
Attest:				
s/s Ju	dy Thompson LERK			